

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

KEVIN & SHERRIE LEGENDRE
Plaintiffs,

v

GC SERVICES, LP.
Defendant.

Case No.: 1:11-cv-00271 JD

AUGUST 10, 2011

DISCOVERY PLAN
Fed. R. Civ. P. 26 (f)

Pursuant and subject to the provisions of FRCP 26(f), counsel for the Plaintiffs, Angela K. Troccoli, Esquire and counsel for the Defendant, Andrew M. Schneiderman, Esquire have conferred concerning an agenda of matters to be discussed at the scheduling conference (presently scheduled for September 1, 2011) and a proposed pretrial schedule for the case.

The parties do not request a pretrial conference with the Court before entry of a scheduling order pursuant to Fed. R. Civ. P. 16(b) and hereby submit the following Discovery Plan:

CERTIFICATION:

Undersigned counsel certify that, after consultation with their clients, they have discussed the nature and basis of the parties' claims and defenses and any possibilities for achieving a prompt settlement or other resolution of the case and, in consultation with their clients, have developed the following proposed case management plan. Counsel further certify that they have forwarded a copy of this report to their clients.

Approved as modified. See LR 40.1 (a)(3).

[Signature]
US Magistrate Judge

8/11/11

CASE SUMMARY

1. THEORY OF LIABILITY:

This is an action for damages brought by two consumers for Defendant's alleged violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.*, which prohibits debt collectors from engaging in abusive, deceptive, and unfair practices.

2. THEORY OF DEFENSE:

Defendant denies all allegations of harassment and all alleged wrongdoing under the FDCPA.

3. DAMAGES:

Declaratory relief is available pursuant to 28 U.S.C. §§ 2201 and 2202. Plaintiffs are seeking the following:

- a. All actual compensatory damages suffered;
- b. Statutory damages of \$1,000.00 for each violation;
- c. Plaintiffs' attorneys' fees and costs including court costs; and
- d. Any other relief deemed appropriate by this Honorable Court

4. JURISDICTIONAL QUESTIONS:

Jurisdiction of this court arises pursuant to 15 U.S.C. § 1692k(d), which states that such actions may be brought and heard before "any appropriate United States District Court without

regard to the amount in controversy,” and 28 U.S.C. § 1331 grants this court original jurisdiction of all civil actions arising under the laws of the United States. Defendant conducts business within the State of New Hampshire and therefore, personal jurisdiction is established.

Venue is proper in this district pursuant to 28 U.S.C. § 1391(b)(1).

5. DEMAND:

Plaintiffs will submit a settlement demand to Defendant 14 days after this Court enters the Scheduling Order. Defendant will submit an offer to Plaintiffs by October 1, 2011.

6. TYPE OF TRIAL:

Parties hereby demand a trial by jury on all issues so triable.

DISCOVERY

7. TRACK ASSIGNMENT:

Standard track of twelve (12) months required.

8. DISCLOSURES:

Initial Disclosures shall be completed 14 days after this Court enters the Scheduling Order.

9. COMPLETION OF DISCOVERY:

(a) Fact Discovery: All fact discovery shall be completed on or before May 14, 2012

(b) Depositions shall be completed by ~~July 13, 2012~~. **June 1, 2012.**

- (c) The parties anticipate that the plaintiffs will require a total of five (5) depositions of fact witnesses including the 30b6 of GC Services, LP and/or the Person Most Knowledgeable about the alleged collection account of Plaintiffs; the employees of GC Services, LP identified in the complaint as "Bill", "Roberta Patten", "Phil" & "D. Finney" who called the Plaintiffs. And the defendant, GC Services, LP will require a total of two (2) depositions of fact witnesses and reserves the right to conduct additional depositions.
- (d) The parties will not request permission to serve more than 25 interrogatories.

10. EXPERT DISCLOSURE:

Plaintiffs' expert disclosures, if any, shall be made on or before April 2, 2012, and defendant's disclosure within 30 days after Plaintiffs' are complete.

11. EXPERT DISCOVERY:

If any, shall be completed by ~~June 4, 2012~~ ^{June 1, 2012}. Challenges to Expert Testimony no later than ~~September 17, 2012~~ ^{September 1, 2012}.

12. DISPOSITIVE MOTIONS:

Motion to Dismiss: On or before December 1, 2011.

Motion for Summary Judgment: On or before ~~July 25, 2012~~ ^{June 15, 2012}.

OTHER ITEMS

13. NAMING ADDITIONAL PARTIES/AMENDING PLEADINGS:

These requests shall be filed by September 30, 2011, with oppositions due 15 days after their filing.

14. PENDING MOTIONS:

None.

15. TRIAL BY MAGISTRATE JUDGE

The Parties do not consent to a trial by Magistrate Judge.

16. TRIAL ESTIMATE:

The parties jointly estimate that the trial will require two (2) full days.

The case will be ready for trial by ~~December 1, 2012~~ *October 16, 2012 (jury selection)*.

17. PRELIMINARY PRETRIAL CONFERENCE:

The parties do not request a preliminary pretrial conference with the Court before entry of the scheduling order.

18. SETTLEMENT PROPOSALS:

No settlement discussions have taken place as of the filing of this Joint Discovery Plan.

The Parties certify that they have considered the desirability of attempting to settle the case before undertaking significant discovery or motion practice. At this time the use of Mediation is not required. The possibility of settlement is likely.

19. JOINT STATEMENT REGARDING MEDIATION:

If the Parties are unable to settle the case and decide to use Mediation, all required paperwork/certification will be filed with the Court no later than January 9, 2012.

Respectfully Submitted,

KEVIN & SHERRIE LEGENDRE,
By their attorney,

DEFENDANT, GC SERVICES, LP
By their attorneys,

/s/ Angela K. Troccoli
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CERTIFICATE OF SERVICE

I, Angela K. Troccoli, Esquire, hereby certify that I have this 10th day of August, 2011, a copy of the foregoing was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.

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